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PATENT

Serial No. 10/082,857
Amendment in Reply to Office Action of June 12, 2006

REMARKS

Reconsideration of the present application and entry of the present amendment are respectfully requested.

The Applicant would like to that the Examiner for the indication that claims 1-13 would be allowable if rewritten or amended to overcome the rejections under 35 U.S.C. §112, 2nd paragraph and 35 U.S.C. §101 set forth in the Office Action.

In the Office Action, claim 7 is rejected under 35 U.S.C. §112, second paragraph as allegedly being indefinite. Claim 7 is amended herein as suggested in the Office Action to be in independent form, thereby including the cooperative relationship between the content provider and the rendering device. Accordingly, it is respectfully requested that the rejection under 35 U.S.C. §112, second paragraph be withdrawn.

Claims 1-7 are rejected under 35 U.S.C. § 101 because it is alleged that the claims are directed to non-statutory subject matter since the specification indicates that some of the features are typically implemented in software ... and as such, lack a structural relationship ... This rejection is respectfully traversed. It is respectfully submitted that the claims are

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directed to a "rendering device" and as such are statutory and do not require an underlying memory medium as the elements of the claims may be directed to software, but do not require it. It is respectfully submitted that it is improper to read descriptions of illustrative embodiments into the claims as limitations. The language of the specification including "are typically" is in fact permissive language in that it describes a situation wherein the elements may be implemented in software, but does not require it. A person of ordinary skill in the art would readily appreciate that a receiving module 111, for example, may be implemented in software, hardware, or combinations thereof, and accordingly, the elements of the claims should be understood as such. Accordingly, it is respectfully submitted that claims 1-7 are in proper form and an indication to that effect is respectfully requested.

Claims 8-13 are rejected under 35 U.S.C. §101 because the claims, in effect, do not include the underlying medium in which the computer program product is embedded. Claims 8-13 are amended herein to include a recitation of the computer readable medium as suggested in the Office Action. Further, the specification is amended herein to include a recitation that "[t]he rendering device

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110 can be realized as a computer program product 140, illustratively shown embedded on a computer readable medium, ... [s]imilarly, the receiving device 130 can be realized as a computer program product 141, illustratively shown embedded on a computer readable medium, the computer program product ..." It is respectfully submitted that FIG. 1, for example provides ample support for this amendment to the specification, in that items 140 and 141 are shown, illustratively as a computer readable medium. It must be pointed out that it is not the Applicant's intention however to limit an interpretation of claims 8-13 to require any particular computer readable memory medium. Accordingly, the Applicant respectfully submits that claims 8-13 should be understood to include a full range of equivalents under the doctrine of equivalents. It is respectfully submitted that claims 8-13 are in proper form for allowance and accordingly, allowance thereof is respectfully requested.

Claims 14 and 15 are added by this amendment and should be allowable for similar reasons as claims 1-13. Accordingly, allowance of claims 14-15 is respectfully requested.

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In addition, Applicant denies any statement, position or averment of the Examiner that is not specifically addressed by the foregoing argument and response. Any rejections and/or points of argument not addressed would appear to be moot in view of the presented remarks. However, the Applicant reserves the right to submit further arguments in support of the above stated position, should that become necessary. No arguments are waived and none of the Examiner's statements are conceded.

It is believed that no additional fees or charges are currently due beyond the charge for one additional independent claim in excess of those previously paid, to be charged to the credit card as noted by the enclosed authorization. However, in the event that any additional fees or charges are required for entrance of the accompanying amendment, they may be charged to Applicant's representatives Deposit Account No. 50-3649. In addition, please credit any overpayments related to any fees paid in connection with the accompanying amendment to Deposit Account No. 50-3649.

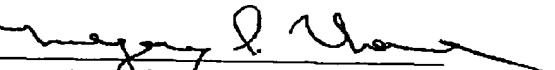
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In view of the above, it is respectfully submitted that the present application is in condition for allowance, and a Notice of Allowance is earnestly solicited.

Respectfully submitted,

By 
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September 11, 2006

Enclosure: Authorization to charge credit card \$200 fee for one independent claim in excess of those previously paid

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